

The Salisbury Planning Board held its regular meeting on Tuesday, June 22, 2004, in the City Council Chamber of the Salisbury City Hall at 4:00 p.m. with the following being present and absent:

**PRESENT:** Len Clark, Mitzi Clement, Lou Manning, Rodney Queen, Sandy Reitz, Jeff Smith, Valerie Stewart, Rev. Jerry Wilkes, and Diane Young

**ABSENT:** Dr. James Johnson, Albert Stout, and Brian Miller

**STAFF:** Janet Gapen, Diana Moghrabi, David Phillips, Harold Poole, and Patrick Ritchie

The meeting was called to order by Co-Chairman Jeff Smith. The minutes of the June 8 meeting were approved as published.

### **SPECIAL USE PERMIT**

**SUP-04-04** Tonia C. Davis – Tonya’s Child Care Center, 719 East Liberty Street

**SUP-05-04** Tonia C. Davis – Tonya’s Child Care Center, 725 East Liberty Street

- (a) **Co-Chairman Smith** convened a courtesy hearing on **SUP-04-04 and SUP-05-04** together for the purpose of the hearing.

**David Phillips** made a staff presentation showing the location and photos of the property requesting the special use permit. SUP-04-04 will be licensed for 24 infants and SUP-05-04 will be licensed for 25 after-school children. Because the property is in an R-6 district, a child daycare facility must come before the Planning Board and City Council to receive a special use permit under Section 7.10 3D. There is a fence around both properties. The parking requirements are one space for every ten children. The property owner is in favor of the special use permit.

Those speaking in favor of the special use permit request:

**Tonia Davis** – 727 East Liberty Street, stated that there is additional parking in the rear of 727 East Liberty Street that could be used by all three facilities. She believes the new facilities will improve the neighborhood by using properties that were not currently in use.

Those speaking in opposition to the special use permit request: none

### **Board Discussion**

**Lou Manning** serves as President of the Park Avenue Neighborhood and said he is familiar with the existing center and in the years that it has been in that location no one

has had any complaints. He would vote in favor of this special use permit. **Sandy Reitz** agreed with Lou that it is "one of our better daycare centers."

**Harold** asked for confirmation that these properties are facilities and not day care homes. They must meet state requirements and the State will make routine inspections of the facilities. The appropriate zoning is required before the state will issue a license.

**Rodney Queen** made a motion to approve SUP-04-04 and Lou Manning seconded with all members voting AYE.

**Rodney Queen** made a motion to approve SUP-05-04 and Lou Manning seconded with all members voting AYE.

**SUP-03-04** Michael Lee King – convenience store in B-CS district, 1131 North Main Street (from Committee 1)

(a) **Co-Chairman Smith** convened a courtesy hearing on **SUP-03-04**.

**Sandy Reitz** thanked everyone for their hard work and patience in finding a mutually agreeable solution that will help to serve the business and the area. The committee is recommending the following:

- (1) Products Prohibited To Be Sold  
No alcohol or tobacco shall be sold on the property.
- (2) Operating Hours  
Operating hours for the store and gas pumps shall be between 7:00 a.m. and 10:00 p.m.
- (3) No Pay Telephone  
No operating, exterior pay telephone on the premises.
- (4) Landscaping – Street Trees  
An eight (8) foot landscaping strip at the front of the property (toward North Main Street). Types of landscaping, points, etc. shall be as otherwise required for new developments.
- (5) Landscaping – Planting Yard  
At the back of the property (adjoining SFC zoned property with the first house facing East 11<sup>th</sup> Street), the planting yard requirement shall be at the top of the hill. It shall consist of a six (6) foot tall opaque fence with a minimum of a six (6) foot wide planting strip.
- (6) Signage  
B-CS sign regulations must be complied with. The existing ground sign



could be structured to the B-CS sign requirements, which require ground signs be no larger than 40 square feet and no taller than 15 feet. A new ground sign would also have to meet those requirements. Only one ground sign could be allowed. In addition, the B-CS sign requirements for canopy signs, wall signs, and other types of signs shall be observed.

(7) Lighting.

All lighting shall be directed away from residential areas.

While Committee 1 is recommending approval of this Special Use Permit, it feels that it is also necessary to be sensitive to the area in which this property exists, which is bordered by residential uses to the south and east, as well as SFC Single Family Residential zoning to the east, and school property (Henderson Independent High School) across East 11<sup>th</sup> Street. This property, as well as adjoining properties, is a part of the North Main Street Historic District. New construction, or addition or a change in the existing building will require a certificate of appropriateness from the Salisbury Historic Preservation Commission or, if applicable, from the Zoning Administrator through Minor Works.

All of these items would have been recommended if it were a new business. **Harold Poole** clarified that BC-S sign regulations would apply, but in addition the committee is requiring the limit of one wall sign to one side of the building and canopy signs would be limited to only the name of the business or the gas distributor.

Those speaking in favor of the special use permit request:

**Michael King**, President of ATIC, a corporation owned by Damascus Church, stated that many of their projects are dedicated to helping single parent households. This business is directed toward raising money to serve their congregation and the surrounding community. The future of this plan includes adding a restaurant to the business for paying customers.

He mentioned his concerns about the tank locations in relation to a planting strip. Mr. King contacted Chris Corriher, District Engineer with NCDOT, and was informed by him that the rules Mr. King received from David Phillips' office were designed for cases where the pump islands were established at a 90° angle from the road to assure that traffic would not back up in the road and the rules did not apply to this situation. Mr. Corriher went further to tell Mr. King that said rules did not apply to an established station where the property had not changed ownership; the new business is leasing the property so the new business should be allowed to operate in the same fashion as before. If required to use a 25' right-of-way for a planting strip, the planting strip would be located under the canopy.

**Jonathon Clark**, 1600 Block of North Lee Street – The previous business was a gas station/convenience store and the return of this business would be helpful to his family,



which has lived in the neighborhood for the past 12 years. The fact that it will be run by a church should have a positive impact on the community.

**Ruth Henderson**, 600 E. Cemetery Street, understands that the permit to open a grocery store has been granted and the issue before the Planning Board is whether they will be able to sell gas.

Those speaking in opposition to the special use permit request:

**Pat Sylvester** represents Old North Salisbury Neighborhood Association and resides at 820 North Main Street. The association feels that the neighborhood does not need another convenience store. There is a concern that this would end up as another place for loitering, leading to trouble with drugs and violence. Long-term residents may be forced to leave their homes if incidents of 'trouble' occur. Ms. Sylvester asked David Phillips if a pool table would be allowed and if so, could that be prohibited. Harold Poole suggested that prohibiting a pool table could be a recommendation from Planning Board to City Council.

**Paula Boland**, 925 N. Main Street, feels that this is a "fragile" neighborhood. The neighborhood would wholly support something that truly benefited the community but does not feel that this particular business will do so. She does not see how this business will be "asset building, a community connection, or anything other than a place for 'hoodlums' to congregate." She felt like the community should have a say about what kind of businesses would be allowed in their neighborhood and that standards must be raised.

**Pauline Correll**, 1208 North Main Street, has lived in the neighborhood for over 60 years and remembers a time when the neighborhood was nice. On her recent insurance renewal, the company estimated her home replacement value at \$250,000. She thinks that she would not be able to sell her house near its value because of the state of the neighborhood. She shared a personal story of a crime originating at the Handy Pantry that came through her property and has left her in fear for her safety.

**Paul White**, 2408 Stokes Ferry Rd, does not live in the area but has concerns for the neighborhood about illegal activity behind the dumpster. Mr. White suggests that the issue of security should be addressed.

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

**Rodney Queen** acknowledged that he knows families who live in the area being discussed. Regardless of personal feelings this property is zoned commercial and has been for many years. The business has the right to open as a grocery but the Planning Board is taking this opportunity to restrict the usage in an effort to clean up the area by opening a positive store. It is hard to go against what is right and what they have a right

to do. The Board has to hope that the business will be run in a positive manner. With the Special Use Permit the Board has an opportunity to monitor the business.

**Jeff Smith** explained again the difference between a grocery and a convenience store. **Lou Manning** said the restrictions should encourage a better business than the one across the street. The owners have been cooperative.

**Diane Young** asked for clarification on the recommendations. **The landscaping strip** – If the pumps are not used there will be room to install the 8' planting strip. If the pumps are allowed by NCDOT, then the planting strip will not be installed. The landscaping is hinging on what NCDOT says about the pumps. **Jeff Smith** questioned whether the use of the term "tanks" earlier did not refer to tanks but rather the pump islands. Diane asked that the Board consider Pat Sylvester's request to prohibit pool tables and add it to the list of recommendations. She feels that the committee has come up with the best possible resolution in a difficult case. **Diane** then made a motion to add to the recommendations from Committee 1 that pool tables would be prohibited. **Len Clark** questioned if that was being too specific and if they should prohibit any other games. **Sandy Reitz** said the subject of a pool table was discussed and the committee did not see any harm in having one. **Lou Manning** said that the pool table was associated with alcohol and tobacco and prohibiting one could put the neighborhood at ease. He suggested that the owner would not have a problem with that and Mr. King agreed.

**Lou Manning** seconded the motion with 8 members voting AYE and one voting NAY. Sandy Reitz voted against the prohibition of pool tables.

**Jerry Wilkes** asked how far in the future Mr. King planned to open his restaurant and would it be allowed. David Phillips said it would be a permitted use and the lot does accommodate parking.

**Lou Manning** made a motion to clarify the 8' planting strip mentioned in the list of recommendations. (Item #4)

Depending on the decision of NCDOT regarding a 25' stacking area – If it is required by NCDOT that there is a 25' stacking area behind the right-of-way, the Planning Board would want and require an 8' planting strip. If NCDOT does not require that 25' stacking area there would not be a requirement of the 8' planting strip.

**Jerry Wilkes** seconded the motion with all members voting AYE.

**Jerry Wilkes** made a motion to approve SUP-03-04 with the eight requirements and amendments that were just passed. **Lou Manning** seconded the motion with all members voting AYE.

It will now go to City Council, presumably July 20, 2004.



**GROUP DEVELOPMENT SITE PLAN****(a) G-07-02** Drummond Village, 2800 Stokes Ferry Road

**David Phillips** made the staff presentation. This is a resubmittal due to the expiration of the original approval. The only change is the future Phase V that is displayed on the drawings. The developer will submit another drawing without the Phase V.

**Public Comments:**

**Paul White**, 2408 Stokes Ferry Road, voiced concerns about the distribution of traffic. There is a lot of truck traffic on Stokes Ferry Road. David Phillips pointed out the entrance on Stokes Ferry Road. Phase II will have an entrance out to Earnhardt. Harold Poole added that the future extension of Jake Alexander Blvd. will provide access to the development, also. The NCDOT timing of road improvements is not known. Mr. White wondered if they planned to widen Stokes Ferry because that could take the front of his property. Mr. Poole did not know of any plans to widen, but has heard some discussion of a turning lane in front of the development. The State would determine whether or not a traffic signal was placed at the entrance.

**Jason Crook**, 2815 Stokes Ferry Road, just purchased his home in December. He is under the impression that the entrance will be directly in front of his property. Could the speed limit be lowered? There are safety concerns due to people speeding. Staff responded that the completion of 31 houses requires the developer to have a turning lane. Mr. Phillips explained that Phase I, II and Phase IV will be single-family residences.

**Diane Bruendl**, 425 Earnhardt Road, complained that the developer left behind trash and destroyed the land. She provided pictures. A good portion of this development is on Earnhardt Road.

**Maxine Thomas**, 650 Earnhardt Road, requested the developer's name and wondered in what price range the new homes would be valued. Jeff Smith responded that Eric Wood submitted the application and the Planning Board does not address the price of homes, only the site plan.

**Ida Arey**, 655 Earnhardt Road, wanted to know about plans for a greenway in this development. David Phillips pointed out some green space/neighborhood greens. Phases 1-4 do not show a greenway, although it may have been mentioned in the future phases. She would like to see more green space required in the development.

**David Wood**, 105 Sudley Circle, is the father of the developer. The property totals 152 acres and has not changed at all from the original plan. NCDOT is requiring a turn lane. He emphasized that there have been too many requirements to begin in a year's time. They have not been able to clear the land because they have not been able to get a permit; the process is time consuming. He assured the audience that this project will improve the

neighborhood. Much of the land does not perk so they are bringing water and sewer to the area. A greenway is in the future of the development.

**Donald Little**, 2612 Crane Drive, said more people attended the meeting for this project before; the time of this meeting was difficult for working people to attend. He is not in favor of this development and most of his neighborhood had been against the development at the last meeting for this case.

#### Board Discussion

**Rodney Queen** said it sounded like a rezoning hearing. This is a formality for an application that was previously approved. He understands how difficult it is to get a project like this started in a year's time. Mr. Queen made a motion to approve the project for phases 1-4, excluding the lot layout and the future 5<sup>th</sup> phase. The developer should resubmit the drawing without the future phase as David Phillips had mentioned earlier. **Lou Manning** seconded the motion

**Len Clark** said the Planning Board looks at a site plan after it expires to take into account anything that has changed in the time since it was originally approved. The Board would require as much green space as possible if this were a new site plan and encourages the developer to include green space.

**Jeff Smith** called for the votes with all members present voting AYE. (Mitzi Clement and Jerry Wilkes had excused themselves from the meeting)

#### COMMITTEE REPORTS

- (a) Rules of Procedure Committee (co-chairs Rodney Queen & Jeff Smith) – committee quorums – **Jeff Smith** called for a vote to versions #1 and #2.

Under ARTICLE V: BOARD COMMITTEES, a new Section 5 would be created which could be as follows:

##### VERSION #1:

If there is not a quorum for the committee meeting, the committee chair or, in his absence, the committee vice chair, shall appoint one or more other Planning Board members present, with preference given to the Planning Board Chairman. For four-member committees, three members are needed to have a quorum. If two committee members are present, the committee chair shall appoint the Planning Board Chairman to make the quorum; if the Planning Board Chairman is not in attendance any other Planning Board member may be appointed. If one committee member is present, the committee chair shall appoint the Planning Board Chairman and one other Planning Board member; if the Planning Board Chairman is not present, the committee chair shall appoint two other Planning Board members. A quorum shall always be 50% of the committee, plus one.



**VERSION #2:**

The Planning Board Chairman may appoint any other Planning Board member(s) as an additional alternate member to any committee as necessary for the purposes of satisfying quorum requirements. If there is not a quorum for the committee meeting and an alternate has not already been named, the committee chair or, in his absence, the committee vice chair may appoint any other Planning Board member(s) in attendance as necessary to satisfy quorum requirements. Quorum is hereby established as one more than half of the regular membership of the committee.

Sandy Reitz asked for clarification of version #1 regarding the presence of either a Planning Board Chairman or other members of the Planning Board at committee meetings to assure a quorum. Jeff Smith said that was part of the discussion. The intent is to have members accept the responsibility of attending or notifying someone to fill in.

**Rodney Queen** made a motion to approve Version #2 to amend the Planning Board Rules of Procedure. **Lou Manning** seconded the motion with all members voting AYE

- (b) Downtown Rezoning (B-6 to B-5) Committee (B. Miller, ch.) – **Jeff Smith** announced that a Courtesy Hearing is scheduled for July 13. This is specific to rezoning the Main Street area to B-5. Information was distributed to the Board.

**FUTURE COMMITTEE MEETINGS**

Downtown Rezoning (B-6 to B-5) Committee (B. Miller, ch.) will meet July 2 at 8:00 in the First Floor Conference Room at City Hall.

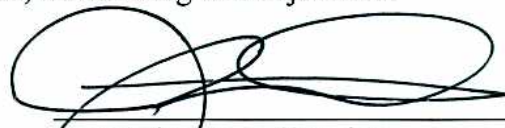
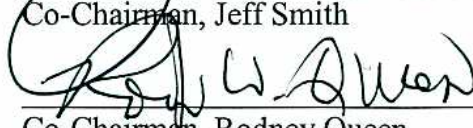
**OTHER BUSINESS**

Patrick Ritchie made an informational presentation to the Planning Board on subdivision plats.

Harold Poole announced to the Planning Board his retirement date of August 1. After 36 years of service Harold will be with the Planning Board for only two more meetings.

There being no further business to come before the Board, the meeting was adjourned.

  
Secretary, Diana Moghrabi

  
Co-Chairman, Jeff Smith  
  
Co-Chairman, Rodney Queen